

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
 )  
 vs. )  
 )  
 ALBERT INNARELLI, ET AL., )  
 )  
 Defendants. )

CRIM. NO. 04-30046-MAP

FILED  
IN CLERK'S OFFICE  
2005 NOV -8 A 9:07  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

PARTIES' JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5(A)

The United States of America, by and through Michael J. Sullivan, United States Attorney for the District of Massachusetts, and William M. Welch II, Assistant United States Attorney, hereby files this joint memorandum pursuant to Local Rule 116.5(A) and the Magistrate Judge's Scheduling Order.

1. The parties agree that relief should be granted from the otherwise applicable timing requirements imposed by Local Rule 116.3. This case has been designated a complex case. In addition, defense counsel for the newly charged defendants and defense counsel for those original defendants with new charges have been working out logistics regarding the discovery of additional loan files.

2. To date, the newly charged defendants -- defendants Corona, Lynch and Zepka -- have not requested discovery under Rule 16(a)(1)(E).

3. At this time, the defendants have not completed their review of all of the automatic discovery. Therefore, the parties believe that it is premature to state whether or not they expect to provide any additional discovery in the future.

4. The parties agree that a motion date should not be set under FRCP 12(c) at this time. Until discovery has been copied and reviewed, the parties are not in a position to set any motion dates. The parties anticipate filing motions. The parties agree that the court should set dates for discovery letters and/or discovery motions.

5. Excludable delay should be ordered under 18 U.S.C. § 3161(h)(8)(A) and Local Rule 112.2(A)(1), (2), and (3) from the last date of the arraignments upon the Superseding Indictment, which occurred on October 5, 2005, to the present. Given this case's designation as a complex case, no time has run on the Speedy Trial Clock.

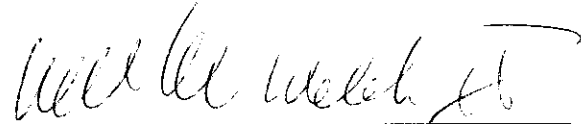
6. The parties believe at this point that a trial should be anticipated. At this time, the Government would estimate a trial of two months.

7. A second Interim Status Conference should be set for mid-January, 2006.

Filed this 7th day of November, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

A handwritten signature in dark ink, appearing to read "William M. Welch II", is written over a horizontal line.

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Assistant United States Attorney

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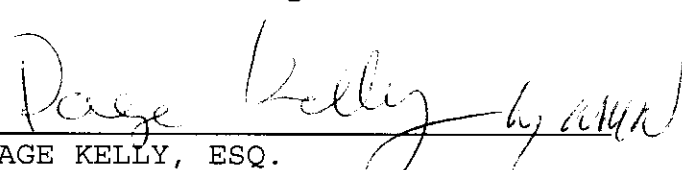
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Counsel for defendant Zepka

For defendant Jonathan Frederick

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MARK ALBANO, ESQ.  
Counsel for defendant Frederick

For defendant Joseph Sullivan

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DANIEL KELLY, ESQ.  
Counsel for defendant Sullivan

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts  
November 7, 2005

I, William M. Welch, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing by faxing said motion to:

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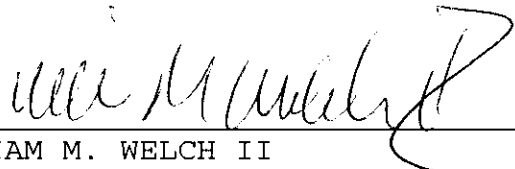
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